MC-275 ar ID Number rancisco, PETITION FOR WRIT OF HABEAS CORPUS (or applicable writs of mandamus) stacio (To be supplied by the Clerk of the Court) 58 paged petition tottachments (see Page 3 for Notice/Table of Content **INSTRUCTIONS—READ CAREFULLY** If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.

- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.

If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents. (supporting documents, will be sent separately via

Notify the Clerk of the Court in writing if you change your address after filing your petition

In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail

Approved by the Judicial Council of California for use under rule 8 380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8,380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal

Page 1 of 6

de:this petition will be ... tom centened, or wording.

Form Approved for Optional Use Judicial Council of California



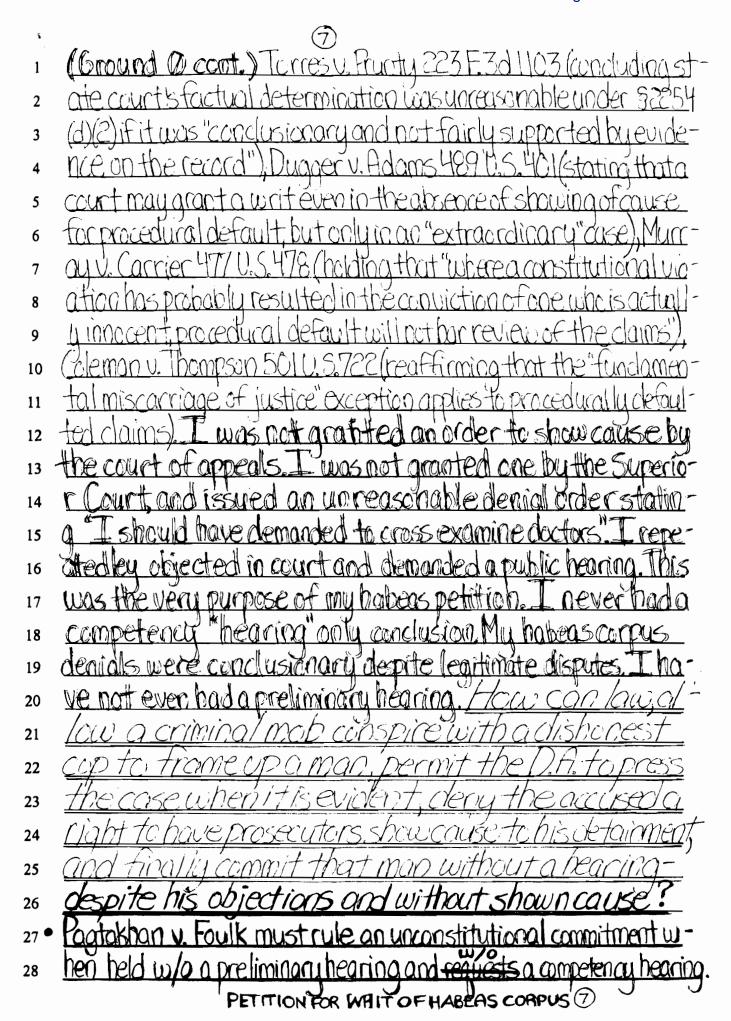
		<b>②</b>	MO 075
	ាំ This petition concerns:	Č	MC-275
	A conviction	Parole	
	A sentence	Credits	
	Jail or prison conditions	Prison discipline	
	Other (specify): <b>EXCESS</b>	ive civil rio	hts violations
1	Your name Marian	stacio Pac	takhan
2.	Where are you incarcerated?	State Hos	pital
3.	Why are you in custody? Criminal Co		held on no legitimate,
	Answer subdivisions a, through i, to the best of	or your ability	grounds non hearings)
	<ul> <li>State reason for civil commitment or, if crimuse of a deadly weapon").</li> </ul>	ninal conviction, state nature of	offense and enhancements (for example, "robbery with
	I was falsely am	rested (from	ed up) and have been
	traudulently com	mitted pendin	na accusations below.
	b. Penal or other code sections:	<u>.7 (a), 646. </u>	9(c)(2), and 422
	c. Name and location of sentencing or commit	tting court: SUPER	ion Court, County of
	San Marteo, 400	County Cen	ter, Reduced City, Ca. 9406.
	d. Case number: NF369118A	MH463328/	1,HC1973,A121085(2007)
	e. Date convicted or committed:	ober 24,	2007 (committed)
	f. Date sentenced: transfer	ed to Napa	State Hospital 2/7/08
	g. Length of sentence:	this minin	num
	h. When do you expect to be released?	NKNOWN (	a defendant into taking a pleabary
	i. Were you represented by counsel in the tria	al court? 🔲 Yes. 🔀	No. If yes, state the attorney's name and address:
	I was frauduler	Hly misrepi	resented by "incompetent
	Eric M. Move, Moi	LEGULEI DI.	san Carlos, Ea. 17070.
4	What was the LAST plea you entered? (check of	one)	,,
	Not guilty Guilty Nolo Co	ontendere  Other:	
5.	If you pleaded not guilty, what kind of trial did yo	ou have?	
	Jury Judge without a jury	Submitted on transcript	Awaiting trial

(attachmentinsert) Notice/Table of Contents
2
Grounds O through 19 (in petition)
"Prejudices Suffered" (in petition)
"Prayer For Relief" (in petition)
· Court of Appeals Denial & Letter (attached)
Superior Court Denial (attached)  Charles Court Denial (attached)  Spoones
Out of tached  Out Tudgement (attached)  Out to one of history  Out Tudgement (attached)
Civil Bights Complaint Federal (attached) (lawsert Filed under Title 42 U.S.C \$ 1983 surmarizing misconduct) 30 pages
•59 paged document # "ed 0=56 (attached) indesand figures regarding my case caridiary of incorporation and proceedings)
3 criminal complaints filed (attached)  (complaints I filed with the Cloud and the Dictrict Attached) 16 pages
Claim Against The County (attached)  (included discussioning prejudice and civil rights violations) 9 pages
(sent to Coverner, Attorney Ceneral, Federal District Tudye, Board of Supervisors, State Bar
· Letter to D.A. & Sheriff (attached)
- 19 Apa Extrate Hespital complaints (attached)
(display & law well pretrial prejudices suffered white the lay the (introduced)  6 pages  (continued)

## otice/Table of Contents Continue

, Pelmont on W

0×05



6. GROUNDS FOR RELIEF 15+ of 16 total groun

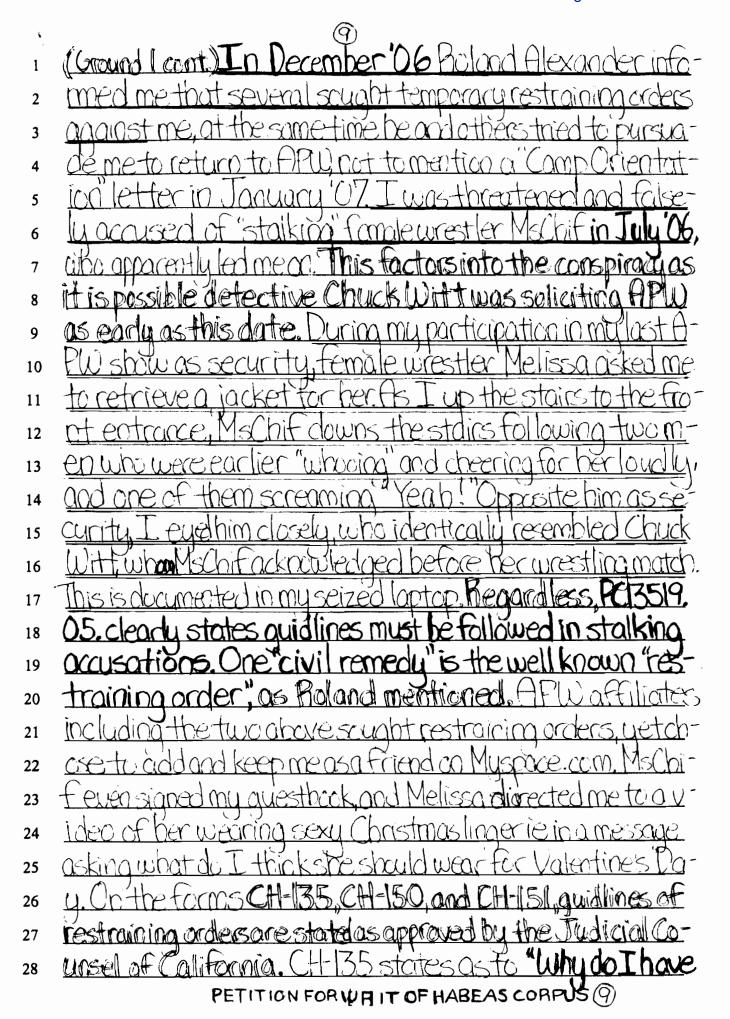
Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four, For additional grounds, make copies of page four and number the additional grounds in order.)

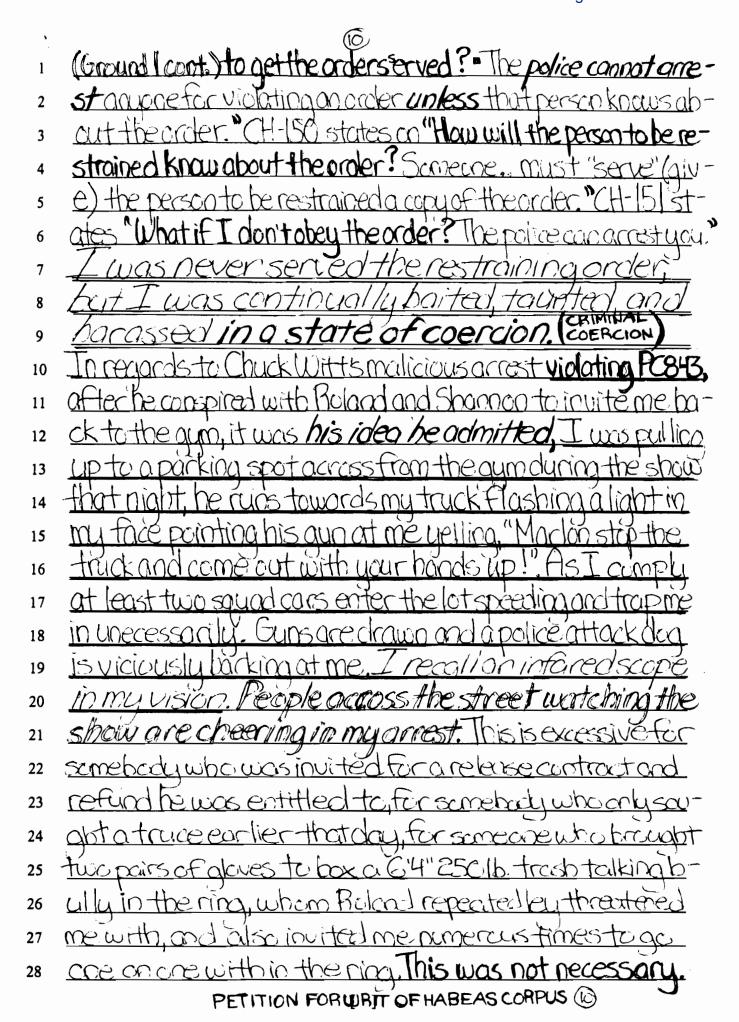
as illegallu acreste excercision mu

a. supporting facts: (see civil rights complaint page 4 claim (1)) Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See In re Swain (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

blackmailed learned under PC13519.05. violating quidlines learne supporting cases rules, or other authority (optional): AND LETTER FOR RELIEF TO GOV. E (Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, ttach ap extra page.)

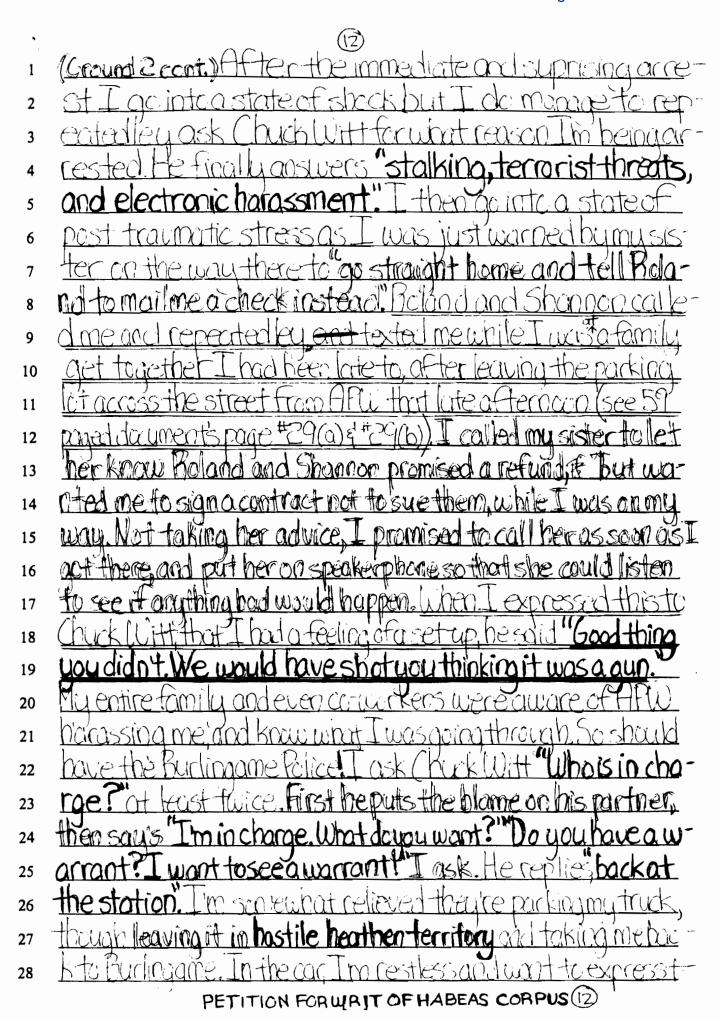
Due Process and Equal protection Clauses

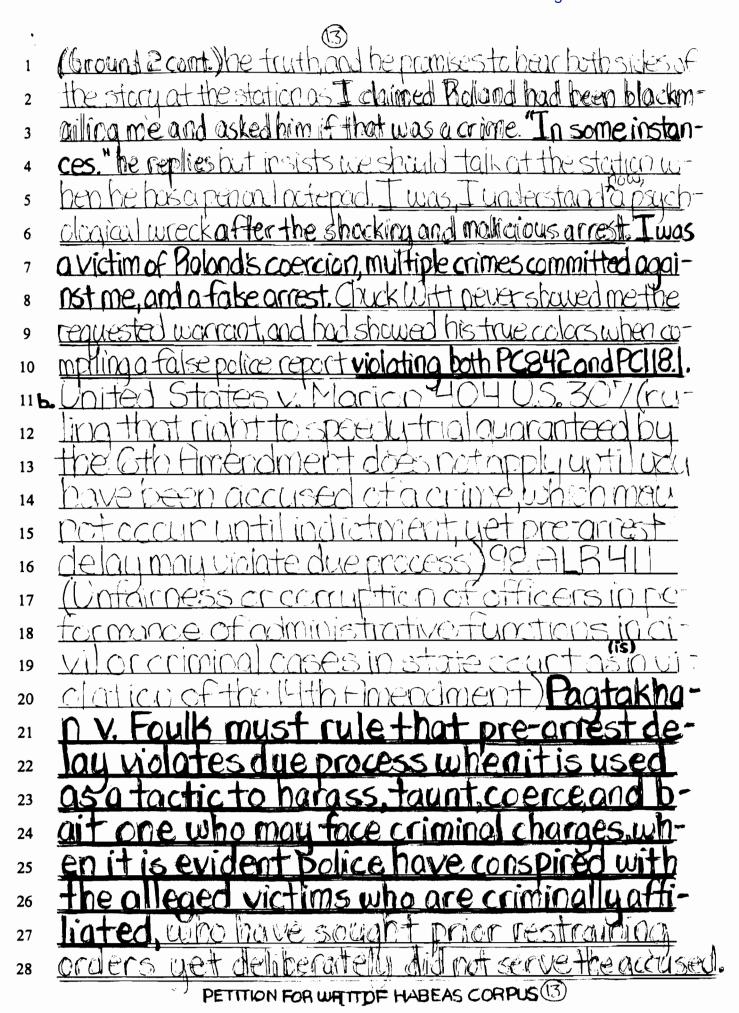




7. Ground (if applicable):

lment and 6th Amendment Mil 14th state amen acu and **entrapment** Supporting facts: (see civil rights complaint page 4 claim (1)) to having investigate permitted the alleged victin d againsi a complaint, b. Supporting cases, rules, or other authority: th Amendment. Due Process Clause. I 8.**54.** and





7. Ground 2 or Ground 3 (if applicable):

11-12.1 The detective viciated my 15th state amendment and 5th Amen-

ne compelled me in an interrogation uncler pretenses and continued after I refused to speak furti

then resulting in an illegal seizur

Supporting facts: (civil rights claim page 5 line 15 on)
During the ride from Hoyward to the Burlingame f ctive promised against o speak more wit saved journa



PETITION FOR WAIT OF HABEAS CORPUS (5)

11-12.1

The detective violated my 13th state amendment and 4th Amendment rights in his improper seizures of my property conducted as a result of an improper interrogation, the first of which was unwarranted.

- Supporting facts: (civil rights claim/complaint page 5 line 19through page 6 line 27) 8/11/07 about an hour or so after my arrest, and am brought home, under esco out my journals and save rily and agaressively disconne ctfully and damaging demeal the morning before my arraignsome parts of my initial interrogation was eplica kat e, that he had enough convict me
- CAArt 1813, 4th Amendment, CAArt 1815, 5th Amendment,

  Miranda, Escobedo v. Illinois 378us 478, Fruitof the poisonus treedoctrine, PC153, see pages #0,5, 30-31 lines 47-79,
  PC135, PC134, PC146 (the detective concealed excherating
  evidence, prepared a false report afteron illegal arrestiseizure)
  CA. Art. 1828 (A. Right to Truth-in-Evidence, PC118.1.

Case 3:08-cv-02188-SI Document 7-2 Filed 06/17/2008 Page 17 of 58

Khon v. Foulk should rule suppression of altered and illegally siezed evidence. Ufalla achatadocalla eltecarcideis. PETITION FOR WRITOF HABEAS CORPUS (1)

11-12.1

7. Ground 2 or Ground (if applicable):

The detective conspired with the cleputy District Attorney to have the Court raise an already excessive bailfrom \$-600,000 to \$800,000 deliberately violating my 12th state amendment and 8th Amendment rights in retaliation.

a. Supporting facts: (civil rights complaint page 7 line 8 on) buthe accepting officer and ountu ina of milinterroactio is miscondu is actually a via up together along with Shortly after mu al en higher. They leave ines 96 109 me condescending insults and a sadistic reman

Supporting cases, rules, or other authority:

CA Art. 1312, Eth Amendment. I was accested in a trap having been invited for a release contract and returned my money. Earlier I had requested a truce or my money returned.

I brought two pairs of extra large lace-up Pro sparring allowes to show Victor I wasn't a fraid of him. I possed no threat and this bail is excessive. (no criminal intent)

alk must rule excessi ebail imposed from misconduct. ecostantly mocked cropped photo of her PETITION FORWRIT OF HABEAS CORPUS (9)

11-12.1

(30)

7. Ground 2 or Ground (if applicable):

The detective has compiled a fraudulent police report in an effort to inflict crue land unusual punishment violating the 17th statement and ent and 8th Amendment as well as Penal Code 134 in his modicious accusations against the locus in

Supporting facts: (civil rights complaint page 8 line 1700) itied by the detective and ctims were only sent

b. Supporting cases, rules, or other authority:

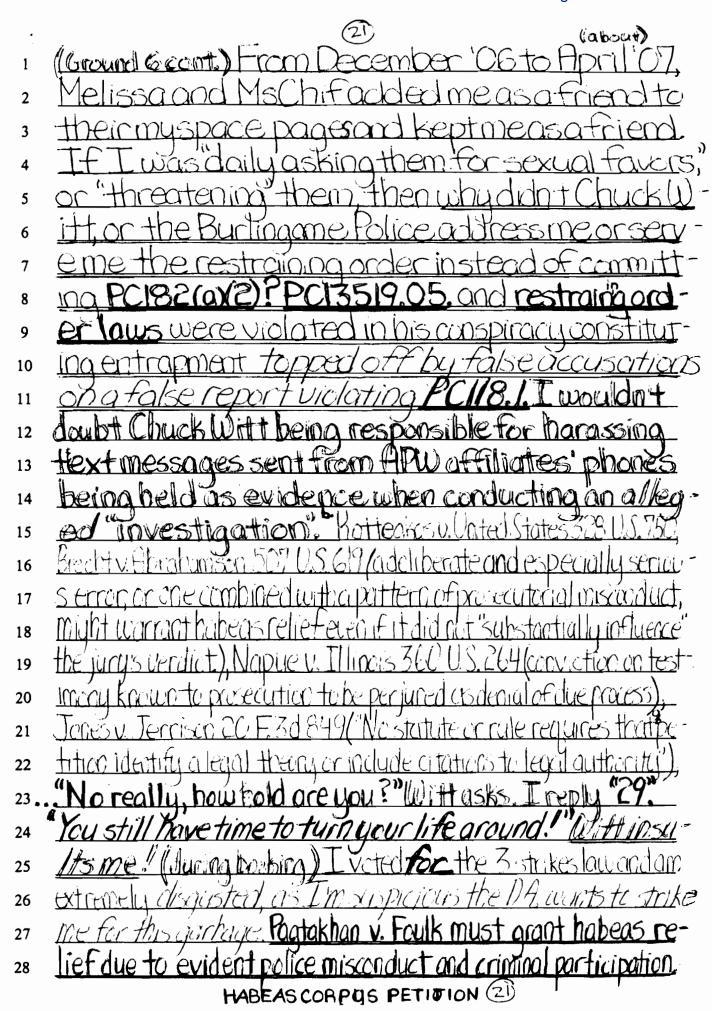
PC134. CAArt. 1917. 8th Amendment Napuev. Illinois 360us

264 (in regards to perjured statements contributing toth

e froudulent report in which prosecution is based) in so

violating CAArt. 1915 and the 5th 914th Amendments. PC474,

PC620 see pages #33-34 lines 240-264, 48, is edefinition of froud on the court of attachment page #4) PC118.1.



7. Ground 2 or Ground (if applicable):

(22)

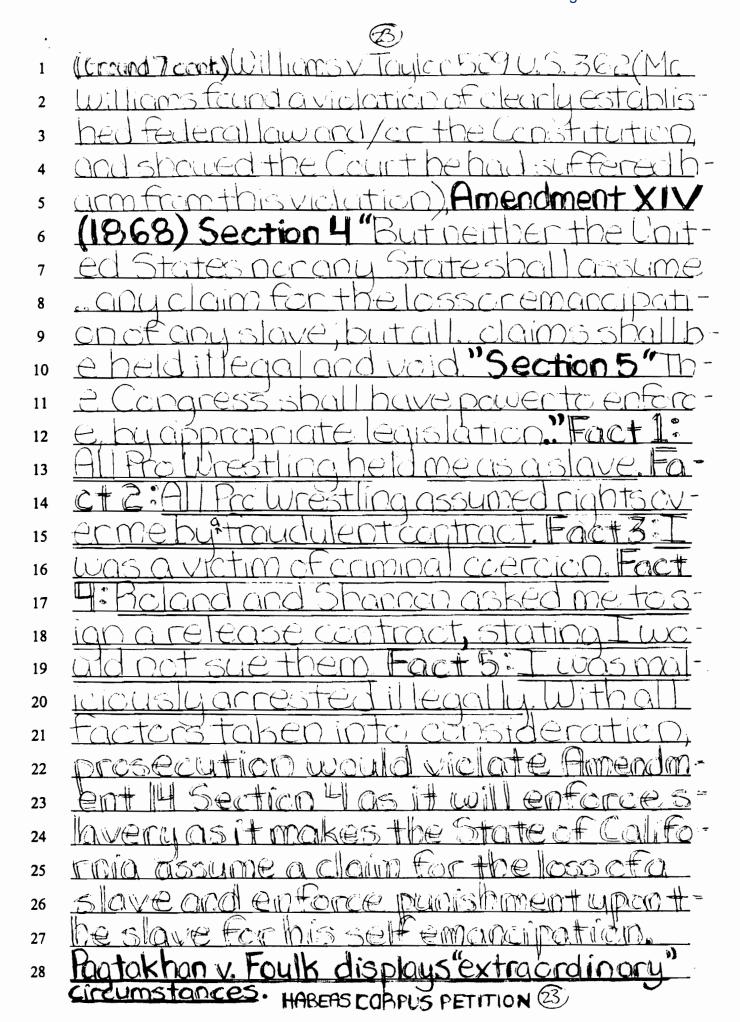
11-12.1

The detective and District Attorney are grossly negligent of the alleged victims violations of the Oth state amendment which were imposed on myself as I was bound by fraud, libel, and blackmail.

- a. Supporting facts: ( see attached "cause of actions" in case I'm preparing) ies and gossip
- (1)(2) are violations committed by ALL Pro Wrestling in which I was victimized. (see attachment Pages 7. 23, 39)

  Prosecutors are in violation of CA Art. 157 and the

  14th Amendment's Equal Protection of the laws, PC113.1.



7. Ground 2 or Ground (if applicable):

11-12.1

he Burlingame Police and District Attorney have conceto equal prote The murial

a. Supporting facts:

ocess Clause • To estnendment we

\* BEF: MY DOCUMENTS / STARTOFITALL. TXT, PARTIALREFUND REQUEST. TXT, LAST. TXT

Partakhan v. Faulk must rule a criminally conspired arrest. restlicus ser continuina main evol**ous** drosecuti <u>'Conspiracu.blackmai</u>' station that a showing of cause to Jiparu'ake 1 rule reciones that a petition identific probable course. HABEAS CORPUS PETITION (25)

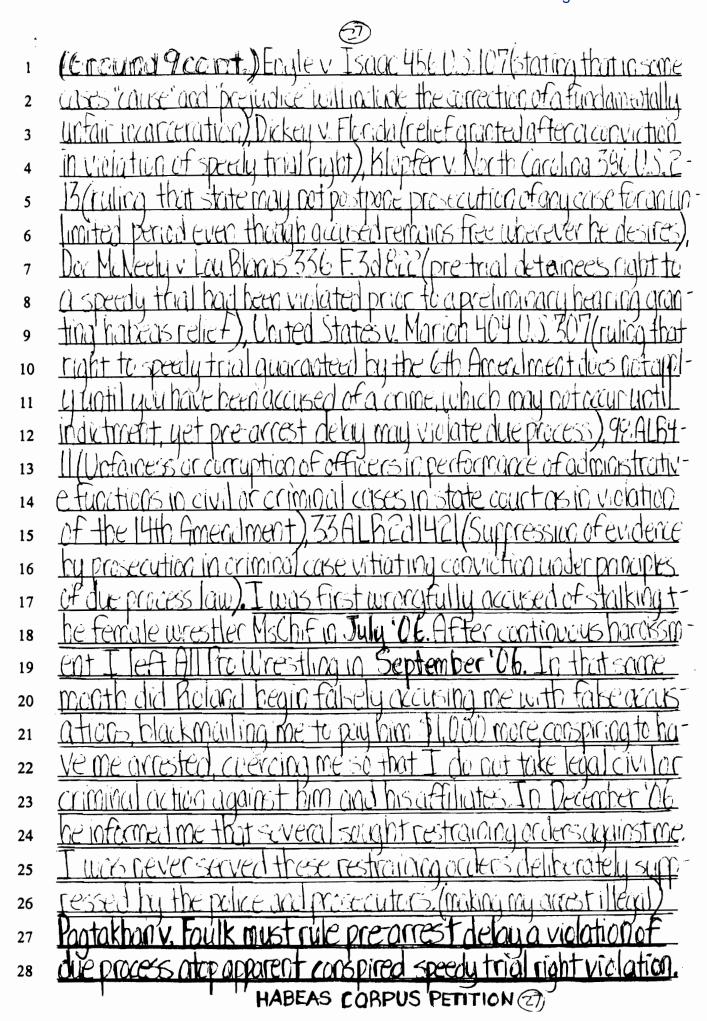
7. Ground 2 or Ground (if applicable):

11-12.1

he deliberate delay of the Wistrict Attorney's prosecution

a. Supporting facts: (civil rights complaint Page 11) to my arres

b. Supporting cases, rules, or other authority: Amendment 14



\$

7. Ground 2 or Ground (if applicable):

(28)

11-12.1

The District Attorney conspired with court appointed counsel and doctors to froudulently abuse competently abuse competently proceedings to illegally send me to a mental hospital committing moral turpitude and malpractice.

a. Supporting facts: (civil rights complaint page 11 line 9 on)

• Rules of Procedure of the State Ban Title IV Part B 2.3 Offenses involving moral turpitude, froud, dishonesty or concealment. People v. Pokovich 39 C4th 1240, 1253. Welfare & Institutions Code Art. 735331. (the D.A. has \*violated Due Process with public (media) s/ander)

CAAH, 181 CAAH, 1815, CAAH, 1817, CAAH, 1829, 14th Amendment

7. Ground 2 or Ground (if applicable):

()8X) (30)

11-12.1

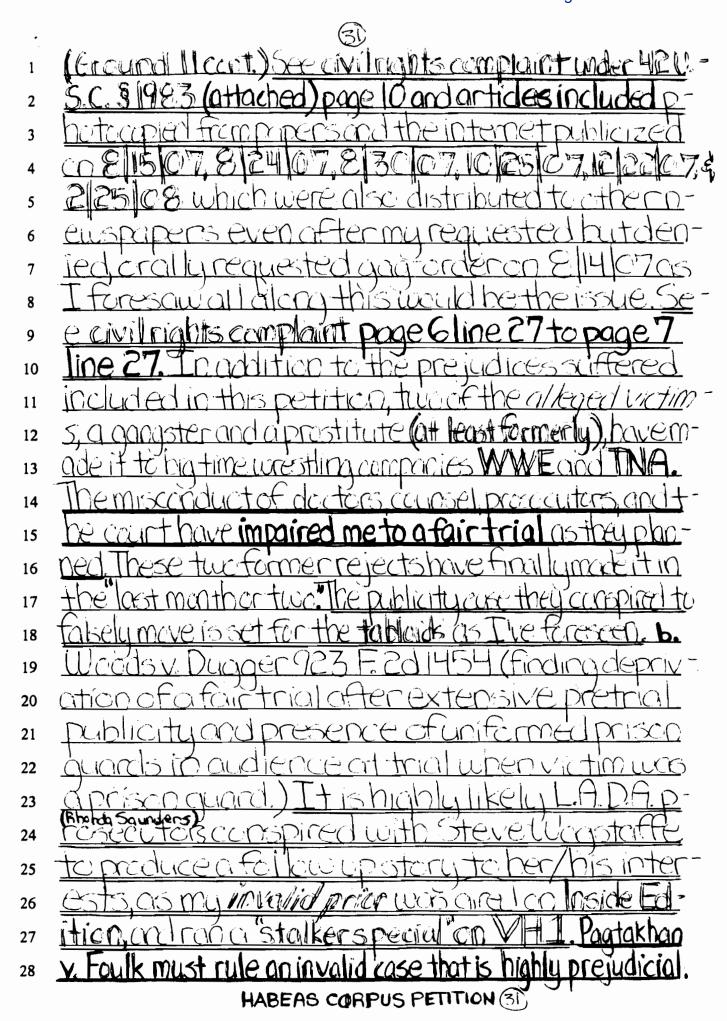
The District Attorney has violated the Due Process Clause protected by the 15th state amendment and 5th Amendment by the offensive disclosure of false and fraudulent material to the media in pre-trial slander and defamation.

Supporting cases, rules, or other authority:

CA Art. 1815, 5th Amendment, denied speedytrial, People v. Pokovich 39 C4th 1240, 1253 (use of competency proceedings for
defamation and slander prior to trial). Prules of Procedure
of the State Bor Title IV Part B2.3 (the D.A. and court
appointed coursel are quilty of these offenses as well

05 the Court Chapman ETAL v. Colifornia 386 us 18

MC-275 /Bev .hev 1 200/9



(XX)

7. Ground 2 or Ground \_ | 2 (if applicable):

(TZ)

11-12.1

The District Attorney and court appointed course! have conspired and achieved to appressme in unnecessary suspended proceedings in an effort to push a plea bargain denying my right to trial by jury secured by the 16th state amendment.

's promises of questioning witnesses

capporting cases, rules, or other authority: (SEE HITHCHEO NAVASTATE CONTRAINED)

CAArt, 1816, CAArt, 1929, 6th Amendment, 14th Amendment

Due to the fact that Mr. Hove has cali berated with the D.A. in moral turpitude, I was never legally given my right to have the Assistance of Counse! Klopfer v. North Carolina 386 us 213 (see attached timeline page #54)
PC131. misrepresentation, concealment, fraudulent condu

7. Ground 2 or Ground 13 (if applicable):

11-12.1

Court appointed doctors knowingly and willingly misdignosed me by way of froud to be incompetent in their reports submitted to the Court violating Penal Code \$134 Preparing false documentary evidence.

Supporting cases, rules, or other authority:

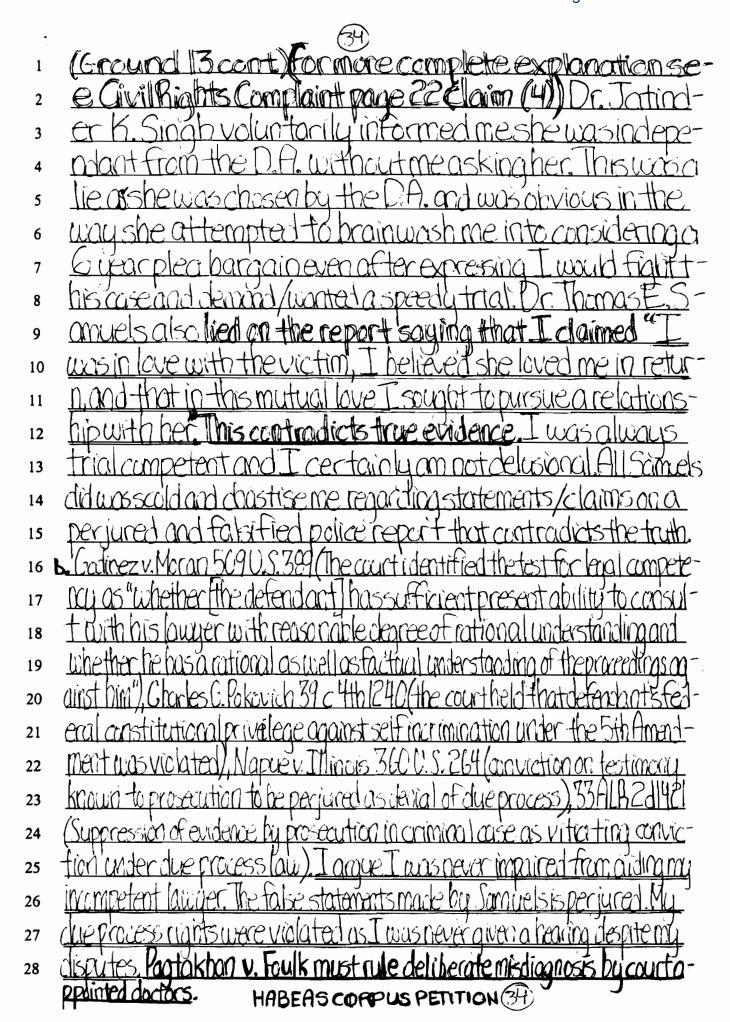
PC134, CAArt. 1815, CAArt. 1829, Amendment 6th & 14th

Welfare & Institutions Code Art. 785331 "... no person may

be presumed to be incompetent because he has been

evaluated or treated for a mental disorder." Evidence

Code \$ 177. Dependant person (which I am not) see at tachment pages # 3-4,7,26,40,46-47,51,53. Tort.



7. Ground 2 or Ground 1 (if applicable):



11-12.1

The Court is inviolation of my rights to Due Process secured by the '5th state amendment and 5th and 14th Amendments imposing an illegal placement order committing me to a mental hospital.

b. Supporting cases, rules, or other authority:

CAArt. 1815, 5th and 14th Amendments. Fraud on the court, Intrinsic Fraud. Fraud. Libel, (Fraudu-lent) Misrepresantation, Misprision, Magna culpa dolus est. Manifesta probatione non indigent, Jus et fraus nunguam cohabitant, McNeely v. Blanas 336

HABEAS CORPUS PETITION 35

Coround 14 cont. I because there were no tactual tradicas hut mu cause and not one single hearing.into o HABEAS CORPUS PETITION 37

11-12.1

--- ----

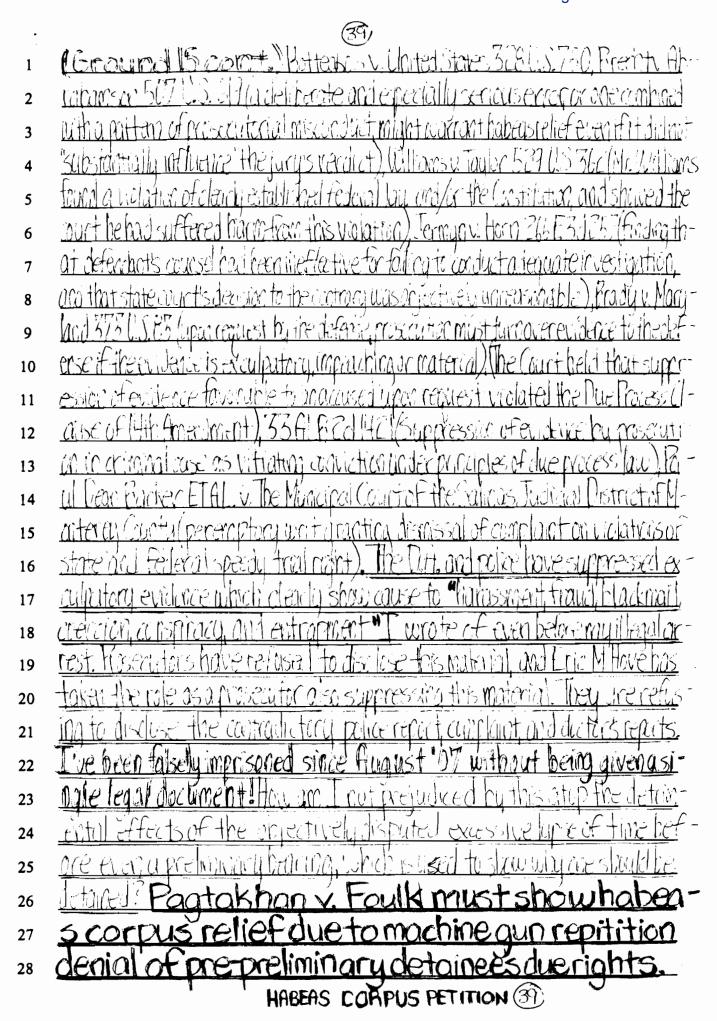
7. Ground 2 or Ground 15 (if applicable):

My court-appointed counsel has violated my Due Process Rights secured by the 15th and 29th state Amendments and 5th and 14th Amendments in his refusal to disclose to me the complaint add discovery items

WINC

CAArt. 1315, CAArt. 1329, 5th & 14th Amendments. Penal Code \$ 1054.1., under CAArt. 1814", shall immediately give the defendant a copy of the complaint. "under CAArt. 18 286)". relevantevidence shall not be excluded in any critinal proceeding. "(see page #11 for original request)

\* REF: MYPOCUMENTS/STARTOFITALL.TXT, PARTIAL REFUNDREQUEST.TXT, LAST.TXT



7. Ground 2 or Ground (if applicable):



11-12.1

The District Attorney is perpetrating a malicious prasecution in their excessive felony charges in place of probable misdemeanor offenses displaying misconduction their fraudulent failure to commerce proceedings.

oxion match wi

Supporting cases, rules, or other authority:

CAArt. 191, CA Art. 1915, CA Art. 1928(d), 5th /6th /14th (1)

Amendments, Penal Code § 412, § 415, § 653m, support

In a evidence includes: 2 pairs of boxing gloves & cel
I phone. Failure of prosecutions abiding of CAArt.

1814 undermines the integrity of felogy prosecution.



(32)(42)



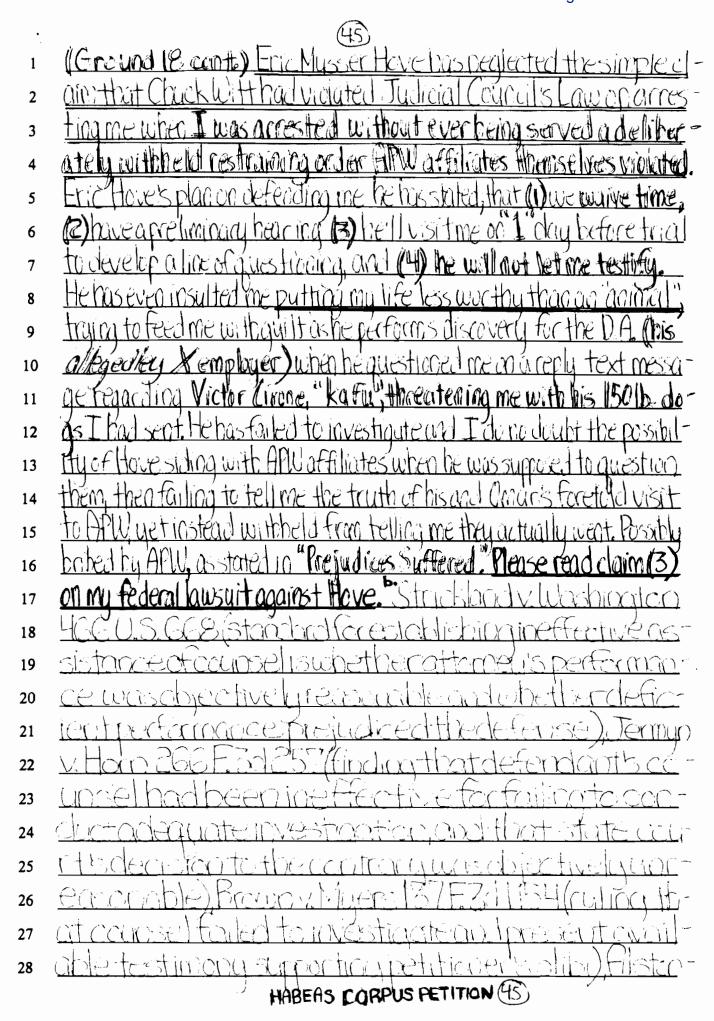
Case 3:08-cv-02188-SI Document 7-2 Filed 06/17/2008 Page 44 of 58 11-12.1 7. Ground 2 or Ground (if applicable): complaint page 16 claim (3)

all those occasions have Toddressed the court. Mr. Hove's actions were more than nealigent and intentional PC182(a)(3), see attached complaints against County employees. Rules of Procedure of the State Bor Title IV Part B2.3

this ground is complimented by others and attachments

275 [Rev. July 1] 2005] PETITION FOR WRIT OF HABEAS CORPUS

Page four of six

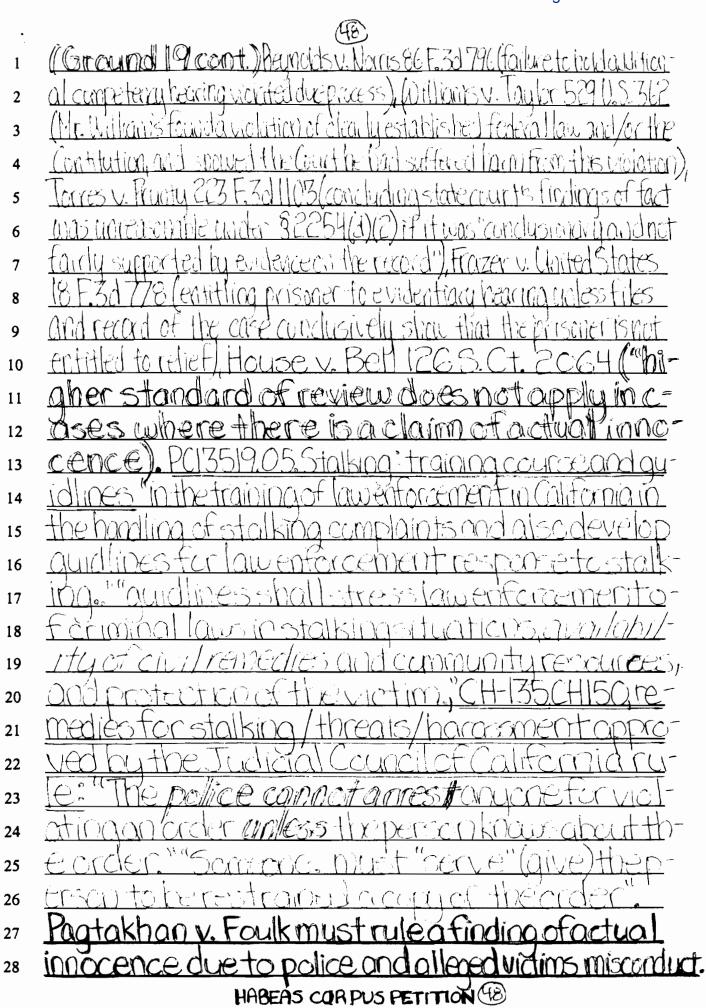


Case 3:08-cv-02188-SI Document 7-2 Filed 06/17/2008 Page 46 of 58

Pagtakhan v. Foulk must rule extraordinary misconduct by court appainted counsel. writes commitment order (see 59 paged attach ments HABEAS CORPUS PETITION (46)

11-12.1 7. Ground 2 or Ground 9 (if applicable): imprisoned on untried char-

MC-275 [Rev. July 1, 2005]



## (attachmentinsert) Prejudices Suffered

Resulting from the misconduct of
the detective, the District Attorney,
court appointed counsel and doctors, and the Court violating both State
e and Federal statutes, whether nealigent or intentional, I, Marlon Estacio Pagtakhan have suffered the
following prejudices:

Anxiety suffered in myself and family. Anxiety comes natural to one who is facting criminal charges, and more so to one who has been framed up and slandered as muself. My family who were dependent on me financially, are now burdened atop being witness to this injustice.

Being subject to public obloquy which has endangered my person. In joil do I suffer from public obloquy. Inmates have spoken of and inquired me regarding my case and those articles published in papers, particularily the Daily Journal Misconstrued and false einformation was matter of factly disconstrued. I be sed. I've been shown the article published. I've been shown the article published. I've been shown the article published.

PETITION FORWART OF HABEAS CORPUS

Case 3:08-cv-02188-SI Document 7-2 Filed 06/17/2008 Page 55 of 58

## (attachmentinsert) Prayer For Relief

MC-275

b.	Result	<b>17/01</b>	Date of decision:	
d.	Case number or citation of opinion, if known:		P/CI	II D CH
е.	Issues raised: (1)	m/a		
0.		0/0		
	(2)	- 1 -		-
f	(3)	//	otate the atternavia name	
'	Were you represented by counsel on appeal?	010	state the attorney's name	
Di	d you seek review in the California Supreme Court		yes, give the following in	
a.	Result	m/a	o. Date of decision:	0/0
C.		0/0		•
d.	Issues raised: (1)	0/0		
	(2)	0 10		
	(3)			
	your petition makes a claim regarding your conviction plain why the claim was not made on appeal:  14 CCUCT OPECIATED  26 KING IN THE INT	attorneu	s matter	of factly
. A a	dministrative Review:  If your petition concerns conditions of confinement administrative remedies may result in the denial of 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain review:	f your petition, even if it is oth what administrative review yo	erwise meritorious. (See u sought or explain why y	In re Muszalski (1975)
	contribution to	fraud	alarres lent com	<u>Libbues</u>
	all of which ar	eingres	syiclation	nofst
	ated State and	1 redera	l Amendr	ments.
	overal resulti	ng in tal	se impris	sonment
			<b></b>	



	(57)
	Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes. If yes, continue with number 13.  No. If no, skip to number 15.
13.	a (1) Name of court: U.S. District Court, Northern District
	(2) Nature of proceeding (for example, "habeas corpus petition"): habeas corpus petition"):
	(3) Issues raised: (a) Multiple due process and speedy trial violat
	intraudulent competency proceedings (must exhaust)
	(4) Result (Attach order or explain why unavailable): dismissed without prejudice
	(5) Date of decision: December 20,2007
1	b. (1) Name of court: Superior Court, County of San Mateo
	(2) Nature of proceeding habeas corpus petition
	(3) Issues raised: (a) 12 of 16 grounds erromeously unaddressed
	10) must show prejudice for reliet
	(4) Result (Attach order or explain why unavailable): Summary denia
_	(5) Date of decision: 11808, Sected 12408, recieved 12708
√,	Expression of the same information on a separate page.
14.	If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
-	ne nearings neid
- 15. <b>l</b>	Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See <i>In re Swain</i> (1949)
	34 Cal.2d 300, 304.)
	Live been prejudiced by the appressive nature of in-
ک ۲۰۰ <b>۵</b>	re you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:
16. 7	This is a pro-per petition including Application
_	For Appointment Of Counsel.
17 [	Civil Biahts Lawsuit under 42 U.S.C. \$1983
	(cittached) I'm also preparing a RICO civil claim against APW.
18	f this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
-	Unreasonably denied in Superior Court. (order attached) as usell as the Court of Appeals decim w/o
<u>}</u>	e undersigned, say: Tam the petitioner in this action. I declare under penalty of perjury under the laws of the State of California
that	the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, as to those matters, I believe them to be true.
Date	May 29,2008 (11-30pm) Marlon E. Rastakhan
MC -275	SIGNATURE OF PENTIONE OF MALIT OF HAPPAS CORDING

PETITION FOR WRIT OF HABEAS CORPUS

